

REMARKS

Claims 1-41 stand rejected in the Office Action mailed January 29, 2003. Claims 1-4, 13, 20-22 and 30-33 have been amended within the subject matter of the application as filed. Claims 5, 23, and 34 have been cancelled without prejudice. No new matter has been added.

Claims 1-41 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,317,495 B1 of Gaikwad, et al. ("Gaikwad").

CLAIM REJECTIONS

Rejections under 35 U.S.C. §102(e)

The Examiner has rejected claims 1-12 under 35 U.S.C. §102(e) as being anticipated by Gaikwad. Applicants submit that claims 1-12 are not anticipated by Gaikwad. In regard to the rejection of claims 1-12, the Examiner has stated in part that:

Gaikwad discloses a method for the determination (prediction) and optimization of a communications system ...regarding claims 3, 21, 32, Gaikwad discloses that at least one transfer function model is created using physical configuration information of the communications system.... (1/29/03, Office Action, pp. 2-4)

Applicants respectfully disagree and submit that claims 1-12 are not anticipated by Gaikwad. Claim 1 recites the feature of "creating at least one transfer function model of the at least one of the plurality of channels, wherein the transfer function model is simulated without use of direct measurements across the at least one of the plurality of channels..." (Emphasis added) This feature is not disclosed by Gaikwad as seen by the following analysis of Gaikwad. Gaikwad's invention is a system and method for determining transmission characteristics for a communications channel and for transmitting data on the communications channel. (Gaikwad, abstract). One step of Gaikwad's method is to determine the transfer function of the communication channel. (Gaikwad, col. 16, ll. 45-48) Gaikwad explains that the transfer function is obtained by directly measuring it. (Gaikwad, col. 16, ll. 53-54). Gaikwad provides an example

of placing a transmitter on one end of the communications channel, such as CO 12 which is directed to send a signal or a series of signals with predetermined intensities as a function of frequency, with which a receiver at the other end of the channel can measure the attenuation. (Gaikwad, col. 16, ll. 54-61). In addition to real-time direct measurements, Gaikwad states that the channel characteristics can be determined in advance of communication (through direct measurement) and then stored. (Gaikwad, col. 16, ll. 64-67). Thus, Gaikwad can only determine the transfer function by direct measurement and does not disclose “creating at least one transfer function model..., wherein the transfer function model is simulated without use of direct measurements across the at least one of the plurality of channels...” as stated in applicants’ claim

1. Because Gaikwad does not disclose this feature as taught by claim 1, applicants respectfully submit that claim 1 and claims 2-4, and 6-12 which depend from claim 1, are not anticipated under 35 U.S.C. §102(e) by Gaikwad.

The Examiner has rejected claims 13-19 under 35 U.S.C. §102(e) as being anticipated by Gaikwad. Applicants submit that claims 13-19 are not anticipated by Gaikwad. In regard to the rejection of claims 13, the Examiner has stated in part that:

Gaikwad discloses a system for the determination (prediction) and optimization of a communications system comprising: a determination (prediction) module, wherein the determination module determines (predicts) the performance of at least one channel... (1/29/03, Office Action, p. 3)

Applicants submit that claims 13-19 are not anticipated by Gaikwad. Claim 13 recites a prediction module that “creates at least one transfer function model of the at least one of the at least one channel such that the transfer function model is simulated without use of direct measurements across the at least one channel...” (Emphasis added) This feature is not disclosed by Gaikwad as for the reasons provided in the analysis above. Because Gaikwad does not disclose this feature as taught by claim 13, applicants respectfully submit that claim 13 and claims 14-19 which depend from claim 13, are not anticipated under 35 U.S.C. §102(e) by Gaikwad.

The Examiner has rejected claims 20-22, and 24-29 under 35 U.S.C. §102(e) as being anticipated by Gaikwad. Applicants submit that claims 20-22 and 24-29 are not anticipated by Gaikwad. In regard to the rejection of claims 20, the Examiner has stated in part that:

Gaikwad discloses a method for the prediction of the performance of a communications system...regarding claims 3, 21, 32, Gaikwad discloses that at least one transfer function model is created using physical configuration information of the communications system.... (1/29/03, Office Action, pp. 3-4)

Applicants submit that claims 20-22, and 24-29 are not anticipated by Gaikwad. Claim 20 recites “creating at least one transfer function model of the at least one channel, wherein the transfer function model is simulated without use of direct measurements across the at least one channel...” (Emphasis added) This feature is not disclosed by Gaikwad as for the reasons provided in the analysis above. Because Gaikwad does not disclose this feature as taught by claim 20, applicants respectfully submit that claim 20 and claims 21-22 and 24-29 which depend from claim 20, are not anticipated under 35 U.S.C. §102(e) by Gaikwad.

The Examiner has rejected claims 30-33, and 35-41 under 35 U.S.C. §102(e) as being anticipated by Gaikwad. Applicants submit that claims 30-33, and 35-41 are not anticipated by Gaikwad. In regard to the rejection of claims 30, the Examiner has stated in part that:

Gaikwad discloses a method for the prediction of the performance of a communications system...regarding claims 3, 21, 32, Gaikwad discloses that at least one transfer function model is created using physical configuration information of the communications system.... (1/29/03, Office Action, pp. 3-4)

Applicants submit that claims 30-33, and 35-41 are not anticipated by Gaikwad. Claim 30 recites “creating at least one transfer function model of the at least one channel, wherein the transfer function model is simulated without use of direct measurements across the at least one channel...” (Emphasis added) This feature is not disclosed by Gaikwad as for the reasons provided in the analysis above. Because Gaikwad does not disclose this feature as taught by claim 30, applicants respectfully submit that claim 30 and claims 31-33 and 35-41 which depend from claim 30, are not anticipated under 35 U.S.C. §102(e) by Gaikwad.

For the foregoing reasons, applicant respectfully submits that the applicable objections and rejections have been overcome and that the claims are in condition for allowance.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

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